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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT PAPER NUMBER

2611

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/978,452	FICCO, MICHAEL	
	Examiner	Art Unit	
	Sumaiya A. Chowdhury	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 53 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure fails to enable one of ordinary skill in the art how to make or use a computer readable medium having instructions for "providing a multimedia server within aircraft of an airline" as recited in claim 27 (claim 53 including the limitation of claim 27). In other words, "providing a multimedia server within aircraft of an airline" implies a tangible physical act that is not capable of being executed by a computer.

The disclosure fails to enable one of ordinary skill in the art how to make or use a computer readable medium having **one instruction** for performing the **multiple steps** of any one of claims 27-52.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 53 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 53 is non statutory because "when executed by one or more processors" in line 3 implies that the computer readable medium does not have to be executed by a processor. Consequently, the computer readable medium is merely data on a medium as claimed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, 7-8, 11, 13-15, 27-31, 33-34, 37, 39-41 and 53-54 rejected under 35 U.S.C. 102(e) as being anticipated by Galipeau (6249913).

As for claims 1 and 27, Galipeau discloses a system and method for aircraft multimedia distribution, comprising:

a multimedia server (190, 194, 196 – Fig. 9a) provided within an aircraft of an airline - col. 10, lines 46-65; and

a multimedia communications network (20 & 186 – Fig. 9a) within said aircraft coupled to said multimedia server – col. 10, lines 30-40; and

wherein said multimedia server is configured to distribute, over said aircraft multimedia communications network, multimedia in-flight to a device (226 – Fig. 12) of a passenger for viewing by said passenger – col. 10, lines 46-65, lines 6-10, lines 50-53, col. 9, lines 25-30, col. 11, lines 1-3

As for claims 2 and 28, Galipeau discloses wherein said multimedia comprises one of streaming video, streaming audio, video for download, audio for download, data, sports and statistics (Video and audio programming is inclusive of streaming video, streaming audio, video for download, audio for download, and data. - col. 10, lines 8-10, lines 51-52, col. 11, lines 25-26).

As for claims 3 and 29, Galipeau discloses wherein said device is a laptop computer (226 – Fig. 12, col. 11, lines 55-56, col. 6, lines 65-66).

As for claims 4 and 30, Galipeau discloses wherein said multimedia communications network comprises is an IEEE 1394 communications network (Referring to Fig. 12, the network between network controller (186) and network interface card (228) is an IEEE 1394 communications network - col. 10, lines 30-35)

As for claims 5 and 31, Galipeau discloses wherein said multimedia server (190 – Fig. 12) is configured to distribute said multimedia in-flight to said device (226 – Fig. 12) of said passenger via a network interface device (228 – Fig. 12) coupled between said device of said passenger and said multimedia communications network (To communicate with any aircraft server, the data must go through the network interface device - col. 10, lines 47-60).

As for claims 7 and 33, Galipeau discloses wherein said network interface device is one of proprietary and specific to said airline - col. 12, lines 26-31.

As for claims 8 and 34, Galipeau discloses wherein said multimedia server is configured to distribute said multimedia in-flight to said device of said passenger via software device (software program) stored on said device of said passenger (226 – Fig. 12); (Using the software program on the personal computer, the user communicates with the headend controller which comprises of the multimedia server. The user requests and receives multimedia - col. 11, line 50 - col. 12, line 30).

As for claims 11 and 37, Galipeau discloses wherein said multimedia server is configured to distribute simultaneously said multimedia in multiple streams to said device of said passenger – col. 9, lines 25-37, col. 10, line 64 – col. 11, line 3.

As for claims 13 and 39, Galipeau discloses an airline server (192– Fig. 9a) coupled to said multimedia server (190 – Fig. 9a) via a server communications network (100 BaseT) and configured to transmit, over said server communications network, said multimedia to said multimedia server (col. 10, lines 46-60, col. 12, lines 36-41).

As for claims 14 and 40, Galipeau discloses wherein said airline server (192 – Fig. 9a) is configured to communicate with said device (226 – Fig. 12) of said passenger via a passenger communications network (network between 192 and 226 in Fig. 12) to provide preflight functions with respect to the in-flight multimedia distribution (col. 10, lines 58-60, col. 11, line 65 – col. 12, line 25).

As for claims 15 and 41, Galipeau discloses wherein said passenger communications network comprises the Internet – col. 12, lines 12-20.

As for claim 53, Galipeau discloses a computer-readable medium (186 – Fig. 9a) carrying one or more sequences of one or more instructions (software subsystem) for aircraft multimedia distribution, the one or more sequences of one or more instructions including instructions which, when executed by one or more processors, cause the one or more processors to perform the steps recited in claim 27 – (The system has a processor which executes the instructions to perform the steps as recited in claim 27. - col. 10, lines 30-38).

As for claim 54, Galipeau discloses a system for aircraft multimedia distribution, comprising:

means (aircraft) for providing a multimedia server (190, 194, 196 – Fig. 9a) within an aircraft of an airline - col. 10, lines 46-65; and

means (IEEE 1394 – Fig. 12) for coupling a multimedia communications network (20 & 186 – Fig. 9a) within said aircraft to said multimedia server – col. 10, lines 30-40; and

means (228 – Fig. 12) for distributing, via said multimedia server, over said aircraft multimedia communications network, multimedia in-flight to a device (226 – Fig. 12) of a passenger for viewing by said passenger – col. 10, lines 46-65, lines 6-10, lines 50-53, col. 9, lines 25-30, col. 11, lines 1-3.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of Humpleman (5579308).

As for claims 6 and 32, Galipeau discloses wherein the network interface device

Art Unit: 2611

(228 – Fig. 12) is plug-in (col. 12, lines 1-7), but fails to disclose wherein said multimedia is encrypted, and said network interface device is a custom device configured to decrypt said multimedia.

In an analogous art, Humpleman discloses wherein the network interface device (50 – Fig. 4) decrypts multimedia received in the program stream – col. 7, lines 60-65. As the program stream is decrypted, it is encrypted when received.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein the network interface device decrypts the encrypted multimedia stream received, as taught by Humpleman, for the advantage of only allowing the intended recipient to unscramble the stream.

6. Claims 9 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of Schwab (6353699).

As for claims 9 and 35, Galipeau fails to disclose wherein said multimedia is compressed, and said software device is a custom software device configured to decompress said multimedia.

In an analogous art, Schwab discloses wherein the custom software decompresses multimedia for the advantage of opening a file which is compressed for saving space— col. 4, lines 44-48. As the multimedia needs to be decompressed, it is compressed when received.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Galipeau's invention to include wherein the custom software decompresses multimedia, as taught by Scwab, for the advantage of opening a file which is compressed for saving space.

7. Claims 10 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of Ahmad (5565908).

As for claims 10 and 36, Galipeau fails to disclose wherein said software device is one of proprietary and specific to said airline.

In an analogous art, Ahmad discloses wherein the software is proprietary for the advantage of enabling the system to operate – col. 11, lines 27-30.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Galipeau's invention to include wherein the software is proprietary, as taught by Ahmad, for the advantage of enabling the system which is specific to the software to operate.

8. Claims 12 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of Rosin (6028600).

As for claims 12 and 38, Galipeau fails to disclose wherein said multimedia server is configured to provide a menu on said device of said passenger for selection of one or more of said multiple streams of said multimedia.

In an analogous art, Rosin discloses wherein the menu of channels from which a user selects a multimedia stream from, is provided by the server (headend) – col. 5, lines 51-56, 64-67, col. 7, lines 13-25.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Galipeau's invention to include wherein the menu of channels from which a user selects a multimedia stream from, is provided by the server, as taught by Rosin, for the advantage of having everything at the headend such that less power and space is consumed at the receiver.

9. Claims 16 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of McCarten (5959596).

As for claims 16 and 42, Galipeau fails to disclose wherein said pre-flight function comprises downloading of a software device to enable said in-flight distribution of said multimedia.

In an analogous art, McCarten discloses wherein application software (software device) is downloaded to the client for the advantage of enabling the client to access multimedia content on an aircraft – col. 4, lines 7-12, col. 1, lines 53-60.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein application software (software device) is downloaded to the client, as taught by McCarten, for the advantage of enabling the client to access multimedia content on an aircraft.

10. Claims 17 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of McCarten as applied to claim 16 above, and further in view of Ahmad (5565908).

As for claims 17 and 43, Galipeau and McCarten fail to disclose wherein said software device is one of proprietary and specific to said airline.

In an analogous art, Ahmad discloses wherein the software is proprietary for the advantage of enabling the system to operate – col. 11, lines 27-30.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Galipeau and McCarten 's invention to include wherein the software is proprietary, as taught by Ahmad, for the advantage of enabling the system which is specific to the software to operate.

11. Claims 18-21 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of Volpe (2001/0032028)

As for claims 18 and 44, Galipeau fails to disclose wherein said airline server is configured to communicate with said device of said passenger via a passenger communications network to provide post-flight functions with respect to the in-flight multimedia distribution.

In an analogous art, Volpe discloses wherein the server offers the capability to the user to have the file mailed - paragraph [0024].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein the server offers the capability to the user to have the file mailed, as taught by Volpe, for the advantage of allowing the user to have a multimedia file stored on a removable storage device such that the user could use the removable storage device on a plurality of computers.

As for claims 19 and 45, Galipeau fails to disclose wherein said post-flight functions comprise organizing said multimedia for selection by said passenger.

In an analogous art, Volpe discloses wherein a multimedia file is sent to a client (32 – Fig. 4; passenger) – paragraph [0024]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein a multimedia file is sent to a client, as taught by Volpe, for the advantage of allowing a client to have a personal copy saved on their own device on an aircraft.

As for claims 20 and 46, Galipeau fails to disclose wherein said airline server is configured to provide copies of said multimedia to said passenger on a CD ROM based on a selection by said passenger.

In an analogous art, Volpe discloses wherein a CD ROM on which multimedia is stored, is mailed to the client – paragraph [0024].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein a CD ROM on which multimedia is stored, is mailed to the client, as taught by Volpe, for the advantage of allowing the user to have a multimedia file stored on a removable storage device such that the user could use the removable storage device on a plurality of computers.

As for claims 21 and 47, Galipeau fails to disclose wherein said airline server is configured to provide copies of said multimedia to said passenger via download to said device of said passenger based on a selection by said passenger.

In an analogous art, Volpe discloses wherein a multimedia file is sent to a client (32 – Fig. 4; passenger) through the Internet or as an attachment to an email– paragraph [0024]

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein a multimedia file is sent to a client, as taught by Volpe, for the advantage of allowing a client to have a personal copy saved on their own device on an aircraft.

Art Unit: 2611

12. As for claim 22-24 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of Neel (5838314).

As for claims 22 and 48, Galipeau fails to disclose wherein said multimedia server is configured to store passenger-specific information relating to multimedia selection history for said passenger.

In an analogous art, Neel discloses wherein the data base (212 – Fig. 2; server) stores the video services (passenger-specific information) utilized by the user for the advantage of providing advertisements related to the video services selected by the user – col. 18, lines 31-42.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Galipeau's invention to include wherein the data base (212 – Fig. 2; server) stores the video services utilized by the user, as taught by Neel, for the advantage of providing advertisements related to the video services selected by the user.

As for claims 23 and 49, Galipeau fails to disclose wherein said multimedia server is configured to distribute said multimedia based on said passenger-specific information.

In an analogous art, Neel discloses wherein the system distributes user-specific advertisements based on past video services selection history (passenger specific

information) for the advantage of providing advertisements geared more towards the preferences of the user – col. 18, lines 30-42.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Galipeau's invention to include wherein the system distributes user-specific advertisements based on past video services selection history, as taught by Neel, for the advantage of providing advertisements geared more towards the preferences of the user.

As for claims 24 and 50, Galipeau fails to disclose wherein said multimedia server is configured to distribute passenger-specific advertisements included in said multimedia based on said passenger-specific information.

In an analogous art, Neel discloses wherein the systems control computer (118 – Fig. 2; server) selects and transmits advertisements based on information accumulated about the video services utilized by the user for the advantage of providing advertisements geared more towards the preferences of the user - col. 18, lines 30-42.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein the systems control computer (118 – Fig. 2; server) selects and transmits advertisements based on information accumulated about the video services utilized by the user, as taught by Neel, for the advantage of providing advertisements geared more towards the preferences of the user.

13. Claims 25, 26, 51, and 52, are rejected under 35 U.S.C. 103(a) as being unpatentable over Galipeau in view of Neel as applied to claim 22 and 24 above, respectively, and further in view of Dedrick (5724521).

As for claims 25 and 51, Galipeau fails to disclose wherein said passenger-specific information is provided to said airline as a new marketable asset.

In an analogous art, Dedrick discloses wherein the user profile data based on the monitoring of consumer actions and inactions is provided to the advertiser to collect fees of displaying commercials for the advantage of displaying commercials to the user which are of user's interests – col. 3, lines 64-67, col. 5, lines 1-5, lines 20-30.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein the user profile data based on the monitoring of consumer actions and inactions is provided to the advertiser to collect fees of displaying commercials, as taught by Dedrick, for the advantage of displaying commercials to the user which are of user's interests

As for claims 26 and 52, Galipeau fails to disclose wherein said advertisements are provided to said airline as part of a co-marketing agreement.

In an analogous art, Dedrick discloses wherein the advertisements are provided to a metering server (14 – Fig. 1) – col. 5, lines 9-15. As discussed above in claim 25, there is a co-marketing agreement as the user profile data is provided to the advertiser to collect fees for displaying commercials.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify 's invention to include wherein the advertisements are provided to a metering server as part of a co-marketing agreement, as taught by Dedrick, for the advantage of deriving money from advertisers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC


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